

**MONTANA PUBLIC SERVICE COMMISSION**  
**AGENDA NO. 12-05-01**

Date Published: April 26, 2012

For Work Week Commencing: April 30, 2012

Commission Meeting: May 1, 2012, 9:00 a.m.

*General Introduction* This agenda is the Commission's agenda for the work week designated. In the latter part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://psc.mt.gov>.

*Place of Meetings* All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

*Live webcast* Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio and video feed links on the PSC website at <http://psc.mt.gov> (go to "Agendas & Meetings" then "Audio/Video Archives"). The audio feeds of meetings are also archived at the same website location.

*Inquiries* General inquiries concerning this agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

*Accommodation for Persons with Disabilities* Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

**9:00 a.m. Weekly Scheduling** (Commission Conference Room – No Web Audio Feed)

**9:30 a.m. Business** (Bollinger Room)

**Public Comments**

**Action Items** All items identified below are for action at the Commission business meeting.

1. Approval of Commission Minutes (Aleisha)

Approval of the Commission Minutes for the week of April 23, 2012

2. CenturyLink QC N2012.4.43 (Scott)

On April 12, 2012, CenturyLink QC filed Tariff Transmittal 12-01. This filing eliminates non-Tribal Link Up support and makes changes to Tribal Link Up support as ordered by the FCC. A subsequent compliance filing will be submitted at a later date to address future changes to the Lifeline discount and eligibility criterion. Probable Motion: Approve CenturyLink QC Tariff Transmittal 12-01 in docket N2012.4.43.

3. CenturyLink N2012.4.44 (Scott)

On April 12, 2012, CenturyLink filed Tariff Transmittal 12-02. This filing eliminates non-Tribal Link Up support and makes changes to Tribal Link Up support as ordered by the FCC. A subsequent compliance filing will be submitted at a later date to address future changes to the Lifeline discount and eligibility criteria. Probable Motion: Approve CenturyLink Tariff Transmittal 12-02 in docket N2012.4.44.

**Work Sessions** All items identified below are for Commission discussion or action on the day designated.

1. N2011.12.96 – NorthWestern Energy – 2011 Electricity Supply Resource Procurement Plan – Discuss and act on NWE’s Motion for Protective Order concerning its 2011 hedging strategy. (5/1/12)
2. D2012.3.20 – Energy West Inc. – Application for waiver of ring-fencing requirements and for authorization to engage in financing transactions – Discuss extending the deadline for the Commission to review and consider EWI’s Application for limited waiver of certain ring-fencing requirements in Order No. 6960a and authorization to engage in financing transactions. (5/1/12)
3. Transmission siting – Discuss whether the MT PSC should promote legislation or policy to the ETIC re: (1) shifting the determination of “need” 75-20-301 (1)(a) (that the facility will serve the public interest, convenience, and necessity “PCN” 75-20-301 (1) (f) to the PSC from DEQ; and (2) tying the

- power of eminent domain (75-20-113) to both the DEQ certificate and a PSC certificate of PCN. (5/1/12)
4. N2012.4.42 – PSC – July 1, 2012 FCC ordered transitional terminating intrastate access rate reduction – Receive approval to issue a Notice of Commission Action specifying tariff filing requirements for certain Montana regulated ILECs. (5/1/12)
  5. 10<sup>th</sup> Circuit In re: FCC 11-161, 10<sup>th</sup> Cir No. 11-9900 – Whether to file for late intervention – Discuss merits of intervention. (5/1/12)
  6. Out of state staff travel – Obtain approval of requests for Leroy Beeby and Justin Post to travel to Albuquerque, NM, May 13-18, 2012, for: (1) Leroy – New Mexico State University’s Center for Public Utilities course titled “Financial Planning, Strategies and Accounting Issues for Publicly and Privately Owned Water and Wastewater Utilities”; and (2) Justin – NMSU’s “The Basics” course. (5/1/12)

### **Other Meetings**

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

**Notice Items** All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

### **1. CenturyLink N2012.4.46 (Scott)**

On April 10, 2012 CenturyLink Filed Tariff Transmittal 12-03. This filing adds language to the Rules and Regulations section allowing the Company to respond to state and local governments, multi-state governments, and business customers who request competitive bids or proposals for telecommunications service. The proposed tariff language is consistent with

language in Section 2 of the Qwest Corporation Exchange and Network Service Tariff.

**Protective Orders – Notice Items** The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Copies of these requests may be viewed on the Commission's web site at <http://psc.mt.gov>

1. Energy West Incorporated D2012.3.20 (Justin)

On April 26, 2012, Energy West Incorporated (EWI) filed a Motion for Protective Order to govern access to certain information to be filed in this docket. Specifically, EWI requests protection of balance sheets, income statements, and various sensitive financial data for the Bangor Gas Company (BGC). The Maine Public Utility Commission has previously granted a Protective Order for this information, determining that BGC is operating in a competitive market and release of this information could adversely impact BGC's position in the marketplace. In addition, EWI is requesting protection for the term sheets of potential lenders which detail the proposed terms of the offers for financing.

**Protective Orders – Information Items** The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be viewed on the Commission's web site at <http://psc.mt.gov>

**Information Items** All items identified below are for information only.

**New Filings Received in Past Week**

N2012.4.45 - Qwest Corporation - Application for Forbearance in Bid for Contract with Flathead County  
N2012.4.46 - CenturyTel of Montana Inc. d/b/a CenturyLink - Tariff Transmittal 12-03 - Rule and Regulation No. 2